



**MINUTES OF SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT OF
THE CITY OF HAYWARD**

City Council Chambers

777 B Street, Hayward, CA 94541

Tuesday, October 1, 2002, 8:00 p.m.

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PRESENTATION: Cannery Area Plan: Congress for the New
Urbanism Charter Award

Several years ago the City of Hayward and the Redevelopment Agency began the process of developing a land use plan for the Cannery Area. The City decided to study approximately 120 acres of the City, with a focus on the 55-acre former Cannery site and hired the urban design firm of Solomon E.T.C. to facilitate a community planning process for the future reuse of the area. The final land use plan was adopted by the City Council in March 2001. The Plan recommends the development of 689-860 new homes in the historic core of the old Cannery and requires better community facilities including a larger elementary school. The plan enables more Hayward residents to easily use the Bay Area Rapid Transit and the AMTRAK/Capitol Corridor systems for commuting and access to Bay Area recreational and cultural opportunities. The Plan recommends that a network of parks be developed and the 7-acre Cannery Park will be expanded to accommodate more organized sports and will also function as the school playground. Dan Solomon and John Ellis of Solomon E.T.C. did a great job working with staff and with the community. Mr. John Ellis presented the City of Hayward with the Charter Award from the Congress for the New Urbanism for the Hayward Cannery Area Design Plan. He commented on the City's efforts to revitalize the downtown. He thanked City Manager Armas for his diplomacy, and Director of Community and Economic Development Sylvia Ehrenthal and Maret Bartlett of the Redevelopment Agency for their professionalism during the process.

Business Recognition Award

The October 2002 Business Recognition Award was presented to *xpedx*. *xpedx* has offices at Weigman Road, Huntwood Avenue, and Hesperian Boulevard. *xpedx* is a customer-driven distributor of printing paper, packaging, facility supplies and graphic imaging prepress equipment and supplies. International Paper is the world's largest paper and forest products company with annual sales of \$28.1 billion. *xpedx*, a printing division of International Paper moved to

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Hayward in 1993, and a packaging division moved in 1999. When *xpedx* moved to Hayward, its leased facilities totaled 175,000 square feet. Since then, it has more than doubled, to approximately 380,000 square feet. *xpedx*'s printing division moved to Hayward in 1993 with approximately 25 employees. Now *xpedx* has nearly 200 employees in its three Hayward facilities. As *xpedx*'s size has more than doubled in the last nine years in Hayward, its sales have tripled in the same time period. The October 2002 Business Recognition Award was presented to *xpedx* for expanding their physical facilities in Hayward and creating well over 200 jobs in our community and for contributing to our city's economy by tripling its sales. The award was accepted on behalf of *xpedx* by Ms. Elizabeth Richman, Human Resources Manager for Northern California.

PUBLIC COMMENTS

Jason Moreno, Highland Boulevard, commented on prostitution activities on Prospect Street.

Don Sheppard, Wildwood Street off Kelly Street, asked for further community preservation efforts in his neighborhood, in particular at 2233 Kelly where there is an abandoned vehicle.

Barbara Swarr, Hayward, commented on air pollution, the City's ballot measure and the use of funds for public transportation.

John Kyle, representing the Citizens Against Traffic Snarls, spoke against the Hayward Executive Airport. He indicated that the economics of the airport cannot be justified. He discussed other communities that refused to adopt plans for conversions of Air Force bases into general aviation to accommodate air traffic.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 24, 2002

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Dowling, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 24, 2002.

2. Adoption of Ordinance for the Control of Shopping Carts

Staff report submitted by City Clerk Reyes, dated October 1, 2002,
was filed.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and unanimously carried to adopt the following:



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Ordinance 02-11, "An Ordinance Amending Chapter 6 of the Hayward Municipal Code by Adding Chapter 6 thereto, Business, Professions, and Trades, Article 12-Shopping Carts"

HEARINGS

3. Introduction of Ordinances Regarding the Uniform Building Code, Fire Code, Mechanical Code, Housing Code, Plumbing Code, and the National Electrical Code

Staff report submitted by Fire Chief Arfsten and Director of Community and Economic Development Ehrenthal, dated October 1, 2002, was filed.

Building Official Herman explained that local jurisdictions adopt these codes on a tri-annual basis and are allowed to make reasonable amendments based on local climatic, geological or topographical conditions. She noted that the Electrical, Mechanical, Housing, and Fire Codes did not have substantive changes from those presently in effect. She noted that staff is recommending adoption of the plumbing code as it was adopted by the State of California to limit the use of any plastic drain, waste and vent piping systems to only two-story residential construction. Staff is not proposing the allowance of plastic pipe for any potable water within buildings.

Council Member Jimenez asked about plastic pipe, and whether these changes meant that the City of Hayward would stay with the Code it had all of this time.

Building Official Herman responded that the present Code restricts the use of any plastic drain, waste and vent use as well. The proposal is to allow it only in two-story residential construction.

City Manager Armas explained that the change would not continue the past practice in the City.

Council Member Hilson commented on the issues involved with re-adopting the 1997 Uniform Building Code. He noted that the State should have adopted the 2000 Edition of the Code which has many more changes rather than just to address steel framed structures for seismic upgrades. He wondered whether the City of Hayward could adopt the more recent 2000 Edition of the Code and whether the City could adopt it out of the 3-year cycle.

Building Official Herman explained that it was her understanding that other cities have tried to adopt the more recent edition, but were told that they could not do so at this time. She commented that staff would bring it back, were the State to adopt it out of the cycle as well. This she did not see as likely to occur.

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Council Member Ward asked what types of pipe would be used for conveying gray water versus potable water. He commented about members of the profession who, in the past, have expressed concerns about the long-term viability of certain types of plastics in other states.

Staff reported that it not be allowed to geologically sensitive areas, restrictions are based on geologic and liquefaction conditions. It was noted that piping is generally colored purple to alert those working around it will know the type of water being conveyed.

Building Official Herman noted that the Uniform Plumbing Code does not restrict the use of plastic pipe in any drain, waste and vent system, nor in any potable water systems. The State of California amendments restrict them to only two-story residential structures. As a result, many layers of checks and balances have been added for proper installation and use. Staff is recommending that it be allowed due to the impositions of the Code for many reasons.

Council Member Henson complimented staff for the readability of the agenda report. He asked about the Housing Code and whether amendments can be made related to structural decks and rail systems.

Building Official Herman noted that the Housing Code was basically left untouched in the updates. She said she was doing some research on international codes that might be brought forth in the near future. She commented that the enforcement of decks, railings and such might be more appropriately located in the Residential Rental Inspection Ordinance.

Council Member Henson then asked Fire Chief Arfsten to explain the amendments and updates of the Fire Codes. Fire Chief Arfsten noted that there were no substantive changes to the Code. He noted that most of the changes are for internal use only.

Mayor Cooper opened the public hearing at 8:50 p.m.

Obray Van Buren, Pleasant Hill, spoke in favor of the cast iron piping and against the use of plastic pipe.

Ira Schumer, Yuba City, representing the Cast Iron Pipe Institute, reported that the cast iron with coupling sustains seismic activity. He distributed a fact sheet on the costs and urged the inclusion of the cast iron pipe.

Barbara Swarr commented favorably on the plastic pipe and its easy replacement.

Jason Moreno asked about sprinklers in the parking structure.

Fire Chief Arfsten responded that the sprinklers are a requirement of the State Fire Code.

Mayor Cooper closed the public hearing at 8:59 p.m.



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Mayor Cooper commented that she would support metal pipes citing her recent experience with burning plastic.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to introduce the Ordinance and adopt the following Resolution:

Introduce Ordinance 02-__, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of the Structures; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 99-05 and All Amendments Thereto"

Resolution 02-141, "Resolution Finding and Determining the Need for Changes or Modifications to the Uniform Building Code, 1997 Edition"

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce the Ordinances and adopt the following Resolutions:

Introduce Ordinance 02-__, "Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2001 Edition, and the California Fire Code Standards, 1997 Edition, with Certain Amendments Thereto Including the 2000 Supplemental Edition; Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 99-06, as Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith"

Resolution 02-142, "Resolution Finding and Determining the Need for Changes or Modification to the California Fire Code, 2001 Edition, with 2001 Supplements"

Introduce Ordinance 02-__, "Ordinance Establishing a Mechanical Code for the City of Hayward; Regulating the Construction, Alteration, Construction, Installation and Repair of Ventilating, Refrigeration, and Heat Producing Equipment (Mechanical Equipment); Providing for the Issuance of Permits and Collection of Fees and Prescribing Penalties for Violation of Said Mechanical Code; and Repealing Ordinance No. 99-07 and All Amendments Thereto"

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Resolution 02-143, "Resolution Finding and Determining the Need for Changes or Modifications to the Uniform Mechanical Code, 1997 Edition"

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to introduce the Ordinance and adopt the following Resolution:

Introduce Ordinance 02-__, "Ordinance Establishing a Housing Code for the City of Hayward; Establishing Minimum Space and Occupancy Standards, Structural Requirements, Mechanical Requirement, Exits, Fire Protection and Other Requirements for Residential Buildings; Regulating the Use and Occupancy of Residential Buildings; Providing for the Repair, Rehabilitation, or Demolition of Substandard Residential Buildings, and Prescribing Penalties for the Violation of Said Housing Code; and Repealing Ordinance No. 99-08 and All Amendments Thereto"

Resolution 02-144, "Finding and Determining the Need for Changes or Modifications to the Uniform Housing Code, 1997 Edition"

It was moved by Council Member Jimenez, seconded by Council Member Henson, and carried by the following roll call vote to amend the Code to prohibit the use of plastic pipe, introduce the Ordinance and adopt the following Resolution:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, Henson
MAYOR Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

Introduce Ordinance 02-__, "An Ordinance Establishing a Plumbing Code for the City of Hayward; Regulating the Construction, Alteration, Repair and Maintenance of Plumbing; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 99-10 and All Amendments Thereto"

Resolution 02-145, "Resolution Finding and Determining the Need for Changes or Modifications to the 2000 Uniform Plumbing Code"



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It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce the Ordinance and adopt the following Resolution:

Introduce Ordinance 02-__, "An Ordinance Establishing an Electrical Code of the City of Hayward; Regulating the Installation, Alteration, Repair and Maintenance of Electrical Wiring, Electrical Fixtures, and Other Electrical Appliances and Equipment; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 99-09 and All Amendments Thereto"

Resolution 02-146, "Resolution Finding and Determining the Need for Changes or Modifications to the California Electrical Code, 1998 Triennial Edition"

Mayor Cooper called for a recess at 9:03 p.m. and reconvened at 9:10 p.m.

LEGISLATIVE BUSINESS

4. Office of Ethical Standards in Hayward Police Department (*continued from 9/24/02*)

Staff report submitted by Chief of Police Calhoun, dated October 1, 2002, was filed.

Police Chief Calhoun indicated that the reason for this organization change is a proactive effort to maintain the highest level of ethical standards throughout the department. He commented on maintaining a focus on being more proactive and emphasizing community policing and the commitment to the community. He noted that the changes in policy involve the whole Department including Animal Control, the jail, communications and records personnel. He commented that this involves a minor organizational change in the Department by upgrading a sergeant to a lieutenant in the management sector of the department. This sends a message of the importance of ethical standards in the Department.

Mayor Cooper opened the public hearing at 9:16 p.m.

Jason Moreno, Highland Boulevard, commented against this effort and expressed his negative opinions of the Police Department.

Council Member Rodriquez commended the Police Department for its efforts in various activities including the Police Citizens' Academy, the DARE Program and the Department's positive efforts towards a better community.

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Mayor Cooper closed the public hearing at 9:19 p.m.

Council Member Dowling commended Police Chief Calhoun and the efforts of his Department. He also asked for further information regarding personnel in this effort in order to refer citizenry to the right person.

It was moved by Council Member Dowling, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-147, "Resolution Amending the Positions and Salaries Resolution to Reflect the Creation of the Office of Ethical Standards within the Hayward Police Department"

Resolution 02-148, "Resolution Amending Resolution 02-084, as Amended, the Budget Resolution for Fiscal Year 2002-03, Relating to an Appropriation of Funds for the Police Department Office of Ethical Standards"

5. Approval of Design Guidelines for Blue Rock Country Club Hayward 1900, Applicant

Staff report submitted by Planning Manager Anderly, dated October 1, 2002, was filed.

Planning Manager Anderly made a brief staff report and responded to Council questions. She noted that the developer objects to prohibitions against artificial masonry and palm trees.

Council Member Hilson suggested that the Design Review Committee include residents as well as the master developer at a very early stage in the process. He suggested that there be a "subject to approval by Council" amendment in the final approval. He commented on the allowance of padded lots under certain circumstances versus requiring them and respecting the contour of the land. He commented on various other issues including that four floor plans are not adequate for a total of 187 and more homes for a more architectural variation and suggested increasing the numbers to six or eight choices. He also asked for explanations on enclosed deck areas, which staff stated is required as part of the fire prevention interface. He suggested that accessory structures not be viewed from the street. He asked about lighting for the "paseos," which staff indicated would be low lights. He reviewed the tree species and asked whether there was sufficient variety in the neighborhood so that all would not be eliminated should there be a tree disease. He suggested that the requirement on fencing be more attractive. In signage, he suggested a condition that signs be maintained in readable condition. He suggested that further information in the street lighting condition be added to include areas other than intersections where the City Engineer deems necessary as a safety factor. He commented on the use of low-sodium versus halogen lighting. On the use of materials for hardscape and walkways, he asked staff to add stamped concrete.



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Council Member Jimenez commented against the use of Council time for such specific revisions on guidelines as reviewed by staff.

Council Member Henson commented on the restriction of palm trees.

Planning Manager Anderly noted that staff desires to maintain an ambience consistent with the natural setting.

Council Member Henson made comparisons with the Ruby Hill Development as well as Black Hawk.

Mayor Cooper opened the public hearing at 9:50 p.m.

Steve Miller, President/CEO of Blue Rock Country Club, commented that the revised design guidelines were submitted to two years ago. He reported that there will be another opportunity to review specific guidelines in the future.

Mayor Cooper closed the public hearing at 9:52 p.m.

Council Member Hilson moved the proposal by staff, with his minor recommendations. The motion died for lack of a second.

City Manager Armas noted that the guidelines for custom designed homes would be brought back to Council at a later date.

Council Member Rodriquez asked Mr. Miller to respond to Council Member Hilson's amendments.

Mr. Miller responded that this is a guideline and not specific. He said he was overwhelmed by the magnitude of these changes. He added that it is important to approve the guidelines at this point.

Council Member Henson moved the staff recommendation as well as that the Conditions of Approval contain additional language substituting "the minimum of four" home choices to read, "at least four."

Council Member Hilson said he personally resented the comments and implication discussing the amount of time the Council had to review the documents. He noted that the City Council had not had the document for two years as previously stated.

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It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried, with Council Member Hilson voting no, to adopt the following resolution with the following amendment to replace 'minimum' to 'at least four' (floor plans language) and minor staff recommendations:

Resolution 02-149, "Resolution Approving Blue Rock Design Guidelines for Non-Custom Homes"

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and unanimously carried to adopt the following resolution:

Resolution 02-150, "Resolution Authorizing the Development of Design Guidelines for Custom Home Development in the Blue Rock Country Club Project"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:01 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency